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Attorneys For Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THEODORE TARVER JR.,
Plaintiff,

vs.

CITY OF SAN FRANCISCO, a public
entity, *et al.*,
Defendants.

The case management conference has been continued to 9/11/09 @ 3:00 p.m. A joint statement shall be filed a week prior to the conference. Requests continue should be filed as separate documents along with a proposed order. If Plaintiff plains to move to amend the complaint, he must do so immediately.



Case No. C-08-03500 SI

**JOINT CASE MANAGEMENT
STATEMENT FOR THIRD CASE
MANAGEMENT HEARING**

FRCP, Rule 26(f)
Civ. L.R. 16-9(a)

CMC Date: May 22, 2009
Time: 3:00 p.m.
Ctrm: 10, 19th Floor
Honorable Susan Illston

Action Filed: June 8, 2008
Trial Date: December 7, 2009

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JOINT CASE MANAGEMENT STATEMENT, CASE NO. C08-03500SI

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Having met and conferred as required by Federal Rule of Civil Procedure 26(f), the parties hereby submit the following case management statement. The parties only include the sections of the initial case management statement previously submitted to this Court in which there are changes or status updates.

IV. **Motions**

Defendant anticipates bringing a summary judgment motion on plaintiff's entire complaint by August 5, 2009. Pursuant to the Court's scheduling Order, the hearing on that motion will be September 11, 2009.

VI. **Discovery**

The City has taken Plaintiff's deposition. The City does not anticipate taking any other depositions in this case at this time. Plaintiff has noticed the deposition of the person most knowledgeable of 17 categories of information. Some of those depositions are scheduled for May 15, 2009. It is likely the remaining depositions will occur within one to two weeks after that.

The parties have exchanged written discovery requests and responses.

XIII. **Any other matters:**

Plaintiff sees leave of court to add claims under 42 USC 1983, specifically

(a) Civil Rights - Taking of Chosen Profession (42 USC 1983/ *Squaw Valley*)

Defendant will oppose any such motion to amend based on *Engquist v. Oregon Dept. of Agriculture*, 128 S.Ct. 2146 (June 9, 2008), in which the Supreme Court recently declined to extend the "class of one" equal protection claim set forth in *Squaw Valley Development Company v. Goldberg*, 375 F.3d 936 (9th Cir. 2004) to public employment. Defendant will also oppose the motion on timeliness and prejudice grounds.

1 The parties hereby stipulate that a further CMC hearing is not necessary at this time in this
2 case. The parties have no objection to the Court taking the May 22, 2009 hearing off calendar.
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4

5 Dated: 5/13/09

6 Respectfully submitted,

7 DENNIS J. HERRERA
8 City Attorney
9 ELIZABETH S. SALVESON
10 Chief Labor Attorney
11 LISA B. BERKOWITZ
12 Deputy City Attorney

13 By: 

14 LISA B. BERKOWITZ

15 Attorneys for Defendant
16 CITY AND COUNTY OF SAN FRANCISCO

17 Dated: 5/13/09

18 By: 

19 LAWRENCE D. MURRAY, ESQ.
20 MURRAY & ASSOCIATES
21 Attorney for Plaintiff
22 THEODORE TARVER, JR.